The Chilean Boundary in the Strait of Magellan

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WHEN Chile declared independence, she defined her boundaries in very general terms. Chilean territory was to extend from the Pacific Ocean to the cordillera of the Andes and from the Desert of Atacama to Cape Horn. With the exception of the transmontane province of Mendoza, which was transferred to the newly created Viceroyalty of Río de la Plata in 1776, Chile's boundary was to be the same as those possessed by the captaincy general in the colonial period. The boundary was unknown in places and unmarked along its entire extent. Because only Indians inhabited the frontiers, and deserts and mountains separated Chile from her neighbors, the lack of precise boundaries caused no difficulties during the first years of independence.

During the first two decades of the nineteenth century Chileans were concerned with organizing a new government and protecting that government from attacks by the royalists. The threat of an attack from the last royalist stronghold in Chiloé was ended by 1825, and stable political conditions were achieved with the rise of Diego Portales to power and the promulgation of the Constitution of 1833. Only then did Chile become interested in her boundaries.

During the 1830s Chilean interest in the Strait of Magellan was aroused because of English activity there. Although the British government never officially considered colonizing the area, it did display an interest that caused concern in Chile. The British Admiralty ordered a survey of Tierra del Fuego and the coast of South America from the southern entrance of the Río de la Plata to the island of Chiloé. The *Adventure* and the *Beagle* made two voyages between 1826 and 1836 to conduct this survey. The mere presence of the ships seemed to Chile to threaten her sovereignty in the strait.

Chilean fears were increased by the action of the *Beagle*'s captain in the Falkland Islands, over which Argentina was attempting to establish her sovereignty. When the *Beagle* called at the Falkland Islands in March 1834, Captain Robert Fitz Roy assisted the small

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English garrison stationed there in putting down a revolt of the native gauchos.[1] And when England retained sovereignty over the islands and ignored Argentine claims, Chile saw in these activities an example of the British colonial expansion which she feared the *Beagle* voyages would extend into the strait.

In 1839 the publication of an account of the surveying voyages further raised Chilean suspicions, for it stimulated both English and French interest in the Strait of Magellan. Captain Fitz Roy suggested that the area of the strait, as well as the Falkland Islands, could provide ports of call on the Pacific route between Australia and England. In 1840 the French Chamber of Deputies considered a plan for colonization of the strait area presented to it by the polar explorer Admiral Jules Sebastien César Dumont D'Urville.[2] Next year Admiral Abel Aubert Dupetit-Thouars, after sailing through the strait enroute from Brest to the Pacific, expressed a desire to see a French colony in the most southerly part of South America. On this same voyage Dupetit-Thouars had proclaimed a French protectorate over Tahiti and occupied the Mariana Islands.[3]

Reacting to the threat of European encroachment, Chile took steps in 1842 to effect actual sovereignty over the area, and an expedition to found a colony in the strait was planned. Domingo Espiñeira was appointed intendant of Chiloé on April 1, 1842, with authority to gather information from people who had been to the strait and to send an exploring expedition if necessary.[4] An expedition proved to be necessary because William Law, the man with the most complete information about the strait, died six months before Espiñeira arrived in Chiloé.[5]

Espiñeira ordered a schooner-of-war constructed in San Carlos de Ancud.[6] This vessel, under the command of John Williams, the Captain of the port of San Carlos, sailed on May 22, 1842,[7] and com-

[1] Philip Parker King, Robert Fitz Roy, Charles Darwin, *Narrative of the Surveying Voyages of His Majesty's Ships Adventure and Beagle, between the years 1826 and 1836, describing their Examination of the Southern Shores of South America, and the Beagle's Circumnavigation of the Globe* (3 vols., London, 1839), II, 316, 323-327.

[2] Armando Braun Menéndez, *Fuerte Bulnes: Historia de la ocupación del Estrecho de Magallanes por el Gobierno de Chile en 1843, precedida de una crónica somera de aquel paso de mar y los antecedentes de la expedición; viaje de la goleta >Ancud<, fundación del Fuerte Bulnes y sucesos ocurridos hasta el traslado de la colonia a Punta Arenas en 1849* (Buenos Aires, 1943), 52-55.

[3] *Ibid.*, 51-52.

[4] *Ibid.*, 91-93.

[5] *Ibid.*, 93-96.

[6] *Ibid.*, 102-103.

[7] *Ibid.*, 293.

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pleted her outward voyage at Point Santa Ana in the middle of the strait on September 19.[8] Chile took formal possession with the appropriate ceremonies and constructed Fort Bulnes, which became the base of Chilean activities in the area. Chile was also anxious to obtain recognition of her sovereignty by the Indians before Argentina did. When Chief Santos Centurión of the Tehuelche tribe signed a treaty of friendship and commerce on March 20, 1844,[9] Chilean sovereignty was recognized, and Argentina seemed to have been outmaneuvered.

By founding Fort Bulnes on Brunswick Peninsula, Chile occupied territory claimed by Argentina. However, news of Chile's activities did not reach Buenos Aires for about two years, and Argentina did not formally protest this invasion of her territory until December 1847.[10] In the note of protest the Argentine government insisted that the eastern summit of the Andes as far as Cape Horn marked the western limit of Argentine sovereignty. Fort Bulnes, situated east of this line, was without question on Argentine territory. Furthermore, the Spanish Crown had placed Patagonia under the jurisdiction of Buenos Aires when the Viceroyalty of Río de la Plata was created in 1776, so, according to the doctrine of uti posidetis, it constituted after 1810 a portion of the Argentine Republic.[11] The note concluded by stating that the Argentine minister in Chile would be furnished with the information necessary to conclude the matter if Chile did not accept this statement as sufficient proof.

During the following year the two governments exchanged notes disputing the ownership of Patagonia, the strait, and certain valleys in the Andes called *potreros*. In a note dated August 30, 1848, the Chilean minister suggested that the two governments exchange proof of their titles and appoint a joint commission to mark the boundary on the ground in accordance with the documents.[12] As soon as the marking was completed, the boundary line would be subject to ratification by both nations.

The Argentine government replied in November that each nation should communicate to the other its titles to the disputed territory in order to arrive at a fair and equitable solution. Argentina, the

[8] Nicolás Anrique Reyes, ed., *Diario de la Goleta Ancud al mando del Capitán de Fragata don Juan Guillermos (1843) para tomar posesión del Estrecho de Magallanes* (Santiago, 1901), 35-38.

[9] Braun Menéndez, *Fuerte Bulnes*, 225-226.

[10] *Appendix to the Statement Presented on Behalf of Chile in Reply to the Argentine Report submitted to the Tribunal Constituted by H. B. Majesty's Government acting as Arbitrator in pursuance of the Agreement dated April 17, 1896* (2 vols., London, 1902), I, 157-160.

[11] *Ibid.*, I, 158-159.

[12] *Ibid.*, I, 152-154.

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note said, had always considered her rights to the territory in question clear and sufficient. Although she recognized the advisability of marking the boundary, she held that this procedure was possible only after the exchange of titles. Argentina pointed out that she was not then in a position to discuss boundaries because of her internal difficulties and the Anglo-French intervention in them. Furthermore, collecting and preparing the necessary documents would take a great deal of time. Therefore, she was unwilling to enter negotiations at that time, but would do so as soon as possible. The note concluded by stating that at a later date Argentina would send a minister to Chile with full instructions.[13] Consequently the matter was indefinitely deferred by request of the Argentine government.

The Argentine minister mentioned in the note of 1848 arrived in Chile in 1855, seven years after the announcement of the mission.[14] Internal troubles claimed the attention of Argentina during those years. In February 1852, Juan Manuel de Rosas was defeated by General Justo José de Urquiza, who now controlled all of Argentina except Buenos Aires province. A new constitution was written at the Congress of Santa Fe in 1853 and accepted by all the provinces except Buenos Aires. Shortly after the Constitution of 1853 was promulgated, Buenos Aires ended her warfare against the Confederation, although she still refused to join it. General Urquiza's government was now free to turn its attention to foreign events. An agreement with Chile in 1855 provided for the construction of the Transandine Railroad, but the two governments failed to reach an agreement on the boundary issues. Instead they concluded a treaty of friendship, commerce, and navigation which was ratified the following year. Only one clause, Article XXXIX, referred to the boundaries. It read: "Both contracting parties recognize as the boundaries of their respective territories, those which they possessed at the time of their separation from Spanish rule in 1810, and agree to postpone the questions which have arisen, or may arise, on this matter, to discuss them afterwards in a friendly manner without ever resorting to violent measures, and in case of not reaching complete agreement, to submit the decision to the arbitration of a friendly nation."[15] Thus both nations recognized

[13] *Ibid.*, I, 154-156.

[14] *Statement Presented on Behalf of Chile in Reply to the Argentine Report submitted to the Tribunal Constituted by H. B. Majesty's Government acting as Arbitrator in pursuance of the Agreement dated April 17, 1896* (4 vols., London, 1901-1902), I, 202.

[15] Aurelio Bascuñan Montes, Marcial A. Martínez de Ferrari, Bernardino Toro C., *Recopilación de Tratados, Convenciones, Protocolos y otros Actos Internacionales celebrados por la República de Chile* (6 vols., Santiago, 1894-1913), I, 249.

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the doctrine of the uti posidetis of 1810 as the basis of territorial claims. They pledged a peaceful settlement and agreed to arbitrate if necessary. However, they made no attempt to find a solution, and the dispute remained unsettled.

It should be noted that prior to this time Argentina had never made any attempt to exercise sovereignty in Patagonia to support her claim. There was no Argentine colonization and no administrative organization for the area. Chile, on the other hand, had established a colony on the strait and had appointed administrative officials for Patagonia.

Between 1859 and 1861 the struggle between Bartolomé Mitre and Urquiza for political control made it impossible for the Argentine government to take up the boundary question again. In fact, neither nation showed any further interest until 1866 when José Victorino Lastarria, the Chilean minister in Argentina, offered a compromise settlement. He proposed that Chile receive that portion of Patagonia lying south and west of a line running northward from Gregorio Bay to 50° latitude and then along the eastern range of the cordillera to Reloncaví Inlet and all of Tierra del Fuego.[16] Argentina found the compromise unacceptable because she would not recognize any Chilean claim to Patagonia.

The boundary discussion proposed in 1848 did not take place until 1872, six years after the Lastarria compromise had been rejected. Both countries fought a war in that period: Argentina joined Brazil and Uruguay in the Paraguayan War between 1865 and 1871, while Chile, allied with Peru, Bolivia, and Ecuador, fought Spain from 1865 to 1870. In 1872, after both wars were ended, Félix Frías was appointed Argentine minister in Chile. During the negotiations he offered as a solution a line starting at Peckett Bay and running westward to the cordillera of the Andes.[17] By this arrangement Argentina would have obtained Patagonia and the eastern part of the strait, and Chile would have retained only the western strait area, including Brunswick Peninsula on which Punta Arenas was located. Chile rejected this solution because it gave Argentina almost all of the disputed territory. Adolfo Ibáñez, Chilean foreign minister, offered a counter proposal which drew the boundary along the forty-fifth parallel from the Atlantic Ocean to the Andes.[18] In this proposal the disputed area, stretching south from the Diamante River, was

[16] Bernardo de Irigoyen, *Question des Limites entre la République Argentine et le Chile* (Buenos Aires, 1881), 13-14.
[17] *Ibid.*, 16-17.
[18] *Ibid.*, 18-19.

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more equitably divided. Argentina would acquire most of Patagonia, and Chile would receive southern Patagonia and the strait.

Not only did Argentina reject the Ibáñez proposal, but also began to extend her effective control into the area. In 1873 Argentine President Nicolás Avellaneda put before congress the draft of a law for colonizing Patagonia and for determining the boundaries of the national territory.[19] This law organized the disputed area into territories and made provisions for colonizing them. Chile immediately protested that Argentina could not exercise control over an area in which her sovereignty was not yet recognized. When Argentina acknowledged receipt of the note of protest, she explained that no change had occurred as a result of the law.

Chile terminated the negotiations in Santiago by directing her minister in Buenos Aires, Guillermo Blest Gana, to obtain the consent of Argentina to the arbitration stipulated in the Treaty of 1856. Blest Gana presented this request to the Argentine government in a note dated April 6, 1874. Three weeks later Carlos Tejador, Argentine Minister of Foreign Affairs, accepted arbitration as the solution to the only difference disturbing friendly relations between the two nations.[20]

Although both countries had now agreed to arbitrate, they still failed to reach an agreement. The Chilean government accused Avellaneda of opposing arbitration and delaying negotiations. As proof of its charge, the government cited the speech of Foreign Minister Bernardo Irigoyen to congress in 1881. Irigoyen said: "The President of the Republic undertook to consider that complicated question [of the boundary], and the first resolution was to maintain integrally the jurisdiction of the Republic all along the coast of the Atlantic, and to defend her rights to the vast stretch of Patagonia, endeavoring to guard it by all such means as prudence should suggest from the inconvenience and danger of the arbitration to which it was already pledged."[21] In the same speech Irigoyen added: "We therefore had to accept the facts as we found them, and to manoeuvre, if I may use this word, in the most convenient manner to attain our objective; the constant idea which as Minister for Foreign Affairs I have held in this matter: to save Patagonia from the risks of an arbitral decision."[22]

In reply, Argentina accused Chile of avoiding arbitration. She

[19] *Appendix*, I, 192-196.
[20] *Ibid.*, I, 210-211; Irigoyen, *Question*, 25.
[21] *Statement*, I, 211.
[22] *Ibid.*, I, 212.

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cited as proof of Foreign Minister Ibáñez' responsibility his note of July 31, 1875, in which he stated that it was impossible to reach an agreement or to name an arbitrator.[23] Chile, however, maintained that she could not be blamed for the failure to arbitrate, because she had accepted the proposed arbitration in the note of August 22, 1874, and had consented to delay drawing up the arbitration agreement only until President Avellaneda took office that same year.[24]

In 1876 Chile appointed as her representative in Argentina Diego Barros Arana, one of her best known historians. During July, Barros Arana and Irigoyen initiated conferences to conclude either a boundary agreement or an arbitration agreement. Argentina submitted a proposal that traced a line from Mount Dinero northward to 52° 10′ and along this latitude to the Cordillera of the Andes. Tierra del Fuego was divided by the latitude line at 68° 34′ passing through Cape Espíritu Santo to the Beagle Channel. The proposal also provided that Argentina receive the islands in the Atlantic east and north of Tierra del Fuego and Chile those south and west.[25] Again the Chilean government could not accept these terms and asked for arbitration.

In January 1877 Barros Arana and Irigoyen drew up a six-point agreement as the basis for arbitration. The first five points dealt with the selection of an arbitrator and with procedural matters. Point six stated a general demarcation principle for the whole boundary: "From 50° northward the boundary of both countries shall be the summit of the Cordillera of the Andes whether the most culminating parts are selected, or the water parting line."[26] Foreign Minister Ibáñez rejected the agreement because it required Chile to relinquish her claim to Patagonia.

Negotiations were resumed in April and lasted into May. The two diplomats had drawn up another agreement when Barros Arana received instructions to insist upon the *divertia aquarum* as the demarcation principle for that portion of the Andes not in dispute.[27] In other words, although Chile would accept the Andean watershed for the northern part of the boundary, she would not limit the boundary to the Andes range in Patagonia. Barros Arana had already signed the latest arbitration agreement when his new instructions arrived. The Chilean government officially rejected the new agreement because one clause permitted both nations to exercise jurisdiction in Patagonia

[23] Irigoyen, *Question*, 30.
[24] *Statement*, I, 211.
[25] Irigoyen, *Question*, 31-32.
[26] *Statement*, I, 245-246.
[27] *Ibid.*, I, 251-254.

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during the arbitration, but it should be noted that the agreement did not incorporate Chile's new terms.

From 1876 to 1879 Chile and Argentina tried unsuccessfully to make either an acceptable boundary treaty or an arbitration agreement. Beginning in 1878, the situation assumed a more threatening aspect, which was further aggravated by the outbreak of the War of the Pacific in 1879.[28] Argentina, allied with Peru and Bolivia by a secret treaty, proclaimed Chile an aggressor and made preparations for war. However, the civil strife between Buenos Aires province and the federal government erupted again in June 1880 and distracted Argentina from international affairs. Chile reacted to the evident hostility of her neighbor by becoming more anti-Argentine, afraid that Argentina would join Bolivia and Peru in the War of the Pacific. This war claimed the attention of the Chilean government to the almost total exclusion of everything else. Relations between the two nations were not broken, but neither government kept a representative in the capital of the other.

Chile had captured Lima, virtually ending the War of the Pacific, when in April 1881 the ministers of the United States in Chile and in Argentina offered their friendly services in reopening the negotiations. The offer was accepted by both parties to the dispute, and the two diplomats, Thomas A. Osborn in Santiago and Thomas O. Osborn in Buenos Aires, set to work. They decided to use as a starting point for the discussions the correspondence of two well-known Argentine citizens, Luis Sáenz Peña, later president of Argentina, and Mariano de Sarratea, then residing in Chile. The two had been exchanging views about the boundary question. When the United States ministers decided to base the negotiations on their letters, each of the Argentines drew up a set of terms for an agreement acceptable to the government of the country in which he resided.

In May Sarratea telegraphed the Chilean terms to his colleague. Chile favored limited arbitration, he said, and was willing to accept a compromise based on the Barros Arana-Irigoyen agreement of 1876. She would retain the division of Tierra del Fuego at the latitude of Cape Espíritu Santo but would submit to arbitration the territory east of Possession Bay and south of the fifty-second parallel —i.e. only the boundary line in Patagonia. The cordillera would be the boundary north of the fifty-second parallel, and the strait would be free.[29]

[28] See the reports of United States Ministers Thomas A. Osborn in Santiago and Thomas O. Osborn in Buenos Aires in *Papers Relating to the Foreign Relations of the United States*, 1878, 1879, 1880, 1881.

[29] *Appendix*, I, 208.

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Sáenz Peña thought limited arbitration possible if the Chilean terms could be explained in a manner acceptable to Argentina. This explanation would have to include neutralizing the strait with a pledge from both nations not to build any fortifications. He believed that the part of the strait from Mount Dinero to Point Delgada, the area west of Possession Bay, should be submitted to arbitration. On the mainland he also favored arbitration of the territory from Mount Dinero to Mount Aymond and from this point in a straight line north to 52°. Tierra del Fuego, Argentina agreed, could be divided in accord with the 1876 proposal.[30]

When Thomas A. Osborn conferred with the Chilean officials in the first week of May, however, he was given another basis for settlement. Chile was willing to draw a line from the watershed at 52° to the meridian 70° longitude and from this point southward to Cape Vírgines. The area to the south would be Chilean except for Staten Island, and the region to the north would be Argentine. This settlement would be definitive, but should either nation demand arbitration, a single arbitrator would decide to whom the area in question belonged. If the arbitrator ruled that Chile gained Argentine territory by the compromise, he would determine the compensation which Chile must pay; no territory would be exchanged. The strait would be neutralized, and each nation would agree not to erect fortifications.[31] By these terms Chile would obtain all of Tierra del Fuego, and Argentina would get Staten Island and Northern Patagonia.

Thomas O. Osborn in Buenos Aires replied on May 11, 1881, with a counter proposal. The first part of the compromise was the same as the Chilean proposal—i.e., the strait would be neutral, Staten Island would be granted to Argentina, and Tierra del Fuego would still be subject to the division described in the 1876 agreement.[32] However, Argentina had a new suggestion for the Patagonian boundary. The boundary line would start on the watershed located on the fifty-second parallel and run in a straight line to Point Dungeness.

A week later Thomas A. Osborn in Santiago answered that the Chilean officials questioned the accuracy of the previous telegram. The proposed Argentine line from the watershed at 52° straight to Point Dungeness would at places cross water. Chile felt there must be an error; this was to be a land boundary. Moreover, to prevent confusion Chile thought that all of Tierra del Fuego should belong to her. Osborn proposed that Argentina be compensated for Tierra

[30] *Ibid.*, I, 209.
[31] *Ibid.*, I, 210.
[32] *Ibid.*, I, 210-212.

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del Fuego by some land on the northern coast of the strait near Point Dungeness.[33]

The American minister in Buenos Aires answered on May 20. Argentina, he said, insisted upon the partition of Tierra del Fuego as drawn up in 1876. If the proposed line from 52° straight to Point Dungeness crossed water, it would do so in the vicinity of Watering Place on Possession Bay, and the area south of the line between Watering Place and Point Dungeness would be Chilean. However, should the line run over land to Point Dungeness, all the territory south of the line would be Chilean.[34] The difference between the positions of the two governments was by now not great. Chile wanted Argentina to give up the territory in dispute in return for compensation, while Argentina wanted an arbitral decision.

The American minister in Santiago explained in his telegram of May 21 that Chile included the area north as well as south of 52° latitude in her earlier proposal, asking that a boundary line be established by direct negotiation and that arbitration be limited to determining pecuniary compensation. The government of Chile considered a direct arrangement preferable to arbitration because major differences existed over the basis of arbitration.[35] However, Argentina found this proposal unacceptable.

After a further exchange of telegrams, the Chilean Minister for Foreign Affairs, Melquiades Valderrama, submitted a set of terms drawn from the ideas expressed by both governments.[36] The first point laid out the Andes boundary north of 52° latitude, while the second clause drew the boundary north of the strait. This line was to start at Point Dungeness on the strait and run by land to Mount Dinero, from which point it would follow the highest elevation of the chain of hills westward to Mount Aymond. From here the line would continue to the intersection of the seventieth meridian with the fifty-second parallel, thence westward along the parallel to the watershed of the Andes. The third clause divided Tierra del Fuego according to the 1876 agreement—on the meridian 68° 34′ from the strait to the Beagle Channel. The area east of this meridian would be Argentine as well as the islands to the east and north, i.e., the islands in the Atlantic Ocean. The land west of the meridian would be Chilean as well as the islands to the south and west, which included Cape Horn.

[33] *Ibid.*, I, 212-213.
[34] *Ibid.*, I, 213-214.
[35] *Ibid.*, I, 214-217.
[36] *Ibid.*, I, 218-221.

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The fourth part of the proposed agreement stated that the experts to which the first article referred would mark the boundaries indicated in the two preceding bases using the procedure already established. The fifth section neutralized the strait and assured free navigation to all nations, while the sixth provided for arbitration in the case of any dispute arising from the agreement. The two governments were given perpetual sovereignty over the territories granted to each by this agreement, but any question which might arise from it or any other cause would be submitted to arbitration by a friendly power. In no case would the boundary established by this treaty be changed.

On June 4, Foreign Minister Irigoyen of Argentina telegraphed the American minister at Buenos Aires accepting the agreement with some modifications of the first and fifth bases.[37] For example, the fifth section was reworded to prohibit explicitly the construction of any fortifications on the coasts of the Strait of Magellan.

Five days later Valderrama sent a reply to Thomas A. Osborn in Santiago conveying Chile's refusal to accept the change made by Irigoyen in the fifth basis.[38] Chile was willing and ready to neutralize the strait and to grant free navigation, but she declined to limit her sovereignty in the area by forbidding even fortifications which would not impede free navigation.

After Chile rejected the wording proposed by the Argentine Foreign Minister, an exchange of telegrams resulted in the formulation of a new statement of the fifth basis. On June 25, the Chilean Foreign Minister submitted the following: "The Strait of Magellan shall be neutralized for ever, and free navigation assured to the flags of all nations. In order to assure this freedom and neutrality, no fortifications or military defenses shall be constructed on the coast that might be contrary to this purpose."[39]

The next day Argentina approved the Chilean statement. These six bases became the boundary treaty of 1881, which was signed in Buenos Aires on July 23 by Consul General Francisco de B. Echeverría for Chile and by Foreign Minister Bernardo de Irigoyen for Argentina. The treaty was ratified and exchanged on October 22 in Santiago.[40]

Despite the agreement, however, the actual demarcation in Tierra del Fuego did not start until 1893. The work of marking the boun-

[37] *Ibid.*, I, 223-225.
[38] *Ibid.*, I, 226-229.
[39] *Ibid.*, I, 235.
[40] Bascuñan Montes, II, 120-125.

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daries was delayed by a continuing controversy over the interpretation of Article I. Both parties had to agree on the composition and the powers of the boundary commission provided for in the treaty. The commission, made up of an expert and an equal number of assistants from both countries, could not start work until the experts had agreed upon the rules of procedure. The Chilean Revolution of 1891 was responsible for a delay of one year. Once work was started, there were some technical difficulties encountered in marking the boundary on the ground, but there were no problems connected with the definition of the line. The treaty statement on the boundary south of the fifty-second parallel was definitive.

Only one minor difference remained in the strait area, a difference not yet brought to a satisfactory conclusion. Chile and Argentina still do not agree about who owns the islands in the mouth of the Beagle Channel. The three largest of these islands are Picton, Nueva, and Lennox. The point in dispute is the location of the eastern entrance to the channel. Chile maintains that the channel runs north of all three islands; consequently she claims sovereignty over them. Argentina declares that Picton, Nueva, and perhaps Lennox are situated within the channel and continues to press her claim to Picton and Nueva. She is willing to discuss the rights to Lennox further.

In 1905, Argentina invited Chile to mark the mouth of the Beagle Channel, but this suggestion was not acted upon. Chile was then exercising sovereignty over the three islands and has continued to do so. Argentina did not press her claim to the islands again until 1915, and her renewed interest in the islands was the result of a decree issued by the Chilean Minister of Foreign Relations, Religion, and Colonization. This decree, dated December 15, 1914, granted Mariano Edwards Ariztea permission to occupy Picton, Nueva, and six smaller islands nearby for an additional fifteen years.[41] Since 1902 these islands had been granted to Chileans by the Chilean government without any protest from Argentina. However, when Argentina learned of the Edwards Ariztea grant in March 1915 she protested to Chile, and the two nations entered into discussions about the disputed islands. An attempt to submit the problem of sovereignty over the Beagle Channel Islands to the arbitration of the King of England failed, and a direct settlement proved impossible.

For years other events, such as World War I and the subsequent depression, engaged the attention of Chile and Argentina. After an attempt at arbitration in 1938 failed, the two nations contin-

[41] *Diario Oficial de la República de Chile*, XXXIX (January 26, 1915), 381-382.

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ued the disagreement for twenty years longer. During that time numerous border incidents in the Beagle Channel and in the Palena Valley in the southern Andes north of 52° disturbed friendly nations. In November 1959 Chile and Argentina agreed to submit the Beagle Channel dispute to the International Court of Justice and the Palena Valley dispute to the arbitration of Elizabeth II of England. Both problems are still pending.

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